DURHAM COUNTY COUNCIL

At the Annual Meeting of the County Council held at the County Hall, Durham on Wednesday 11 May 2011 at 10.00 a.m.

Present:

Councillor Williams in the Chair


Apologies for absence were received from Councillors B Arthur, A Bell, J Cordon, K Davidson, J Docherty, D Freeman, B Harrison, D Maddison, C Marshall, J Maslin, E Mavin, P May, J Robinson, W Stelling, D Stoker, M Wilkes, B Wilson, J Wilson, M Wood and C Woods

A1. Election of Chairman

Moved by Councillor D Marshall, Seconded by Councillor Plews and

Resolved:
That Councillor Morgan be elected Chairman of the Council for the ensuing year.

Councillor Morgan subscribed the Statutory Declaration accepting the Office.

Councillor Williams vacated the Chair.

Councillor Morgan in the Chair
A2. Presentation to Retiring Chairman

The Chairman paid tribute to the infectious approach, enthusiasm and excellent ambassadorial service Councillor Williams had brought to the Office of Chairman of the County Council. Councillor Morgan also spoke of how Councillor Williams had enhanced the Council’s reputation at home and abroad and spoke of his statesmanship in co-ordinating the regional response to the Japanese earthquake disaster which had been admired throughout the region.

The Chairman then presented a Past Chairman’s Badge to Councillor Williams, incorporating the Council’s Coat of Arms, as a token of the Council’s appreciation of his services during his period of Office.

Further tributes to Councillor Williams service as Chairman of the Council were given by Councillor Henig (Leader of the Labour Group), Councillor Martin (Leader of the Liberal Democrat Group), Councillor R Bell (Leader of the Conservative Group), Councillor Shuttleworth (Leader of the Durham County Council Independent Group) and Councillor Jopling (Leader of the Local Liberal Group).

In response, Councillor Williams thanked the Council for the presentations and expressed his appreciation to all those who had supported and assisted him during his term of office. Councillor Williams expressed his honour to serve as Chairman of the Council and would take home many cherished and fond memories of his time as Chairman. Councillor Williams paid tribute to his partner, fellow Members, officers and made special mention of the support provided by Councillor Armstrong and his personal assistant. Councillor Williams also spoke of the support from the people of County Durham.

It was Resolved Unanimously:
That the Council place on record its appreciation of the valuable services rendered by Councillor Williams during his period of office as a Chairman of the Council.

A3. Election of Vice-Chairman

Moved by Councillor Henig, Seconded by Councillor Wright and

Resolved:
That Councillor L Marshall be elected Vice-Chairman of the Council for the ensuing year.

Councillor L Marshall subscribed the Statutory Declaration accepting the Office.
A4. Minutes

The Minutes of the meetings held on 23 March 2011 were confirmed by the Council and signed as a correct record by the Chairman.

A5. Declarations of Interest

Councillor M Potts declared a personal and prejudicial interest in relation to Item 13 (Comprehensive Review of the Council’s Hackney Carriage and Private Hire Licensing Policy) and took no part during consideration of the item.

A6. Chairman’s Announcements

(a) Council Meetings for 2011/12

The Chairman requested that no seminars are to be arranged in the Council Chamber prior to meetings of the County Council.

(b) Photographs

The Chairman informed Members that photographs would be taken during the course of the meeting, and that a photograph of the Council would be taken at the end of the meeting.

(c) Apologies for Council meetings

The Chairman informed Members that he had consulted and agreed with all political group leaders that apologies for absence at future Council meetings should be submitted to the Member Support Team, Committee Services or the relevant group leader by no later than 9 a.m. on the day of the Council meeting. The practice of reading out apologies at meetings would cease with effect from the Council meeting in June.

A7. Leaders Announcement of Deputy Leader and Cabinet Members

Prior to making his announcement of the Deputy Leader and Cabinet Members for 2011/12, the Leader of the Council made a presentation to Councillor E Huntington. Councillor Huntington had been the Cabinet portfolio for ‘Healthier Communities’ incorporating areas such as health, adult education, libraries, arts, culture and travellers since May 2008. The Leader thanked Councillor Huntington for all her hard work, the commitment she had given to the role and presented her with a token of appreciation on behalf of the Cabinet.

The Leader of the Council then reported that Councillor Napier would remain the Deputy Leader of the Council and would hold the Cabinet portfolio for Resources incorporating ICT, Human Resources and Trade Union relations. He welcomed Councillor Plews to the Cabinet and highlighted a number of
slight amendments to the Cabinet portfolios. Responsibility for Leisure would transfer to a new portfolio at conclusion of Sports and Leisure review with Legal and Democratic Services now being a shared responsibility.

The Leader announced that all six parliamentary constituency areas were now represented on the Cabinet. All of the portfolios were substantial in their own right and the Cabinet was strong team both individually and collectively.

| Leader of the Council | Cllr Simon Henig | • Overall co-ordination of policy, including MTFP  
| | | • Performance framework and monitoring  
| | | • County Durham Partnership  
| | | • External Partnerships  
| | | • Communications  
| | | • Legal and Democratic Services+  
| Deputy Leader and Resources | Cllr Alan Napier | • Finance  
| | | • Human Resources  
| | | • ICT  
| | | • Legal and Democratic Services+  
| | | • Risk Management  
| Adult Services | Cllr Morris Nicholls | • Adult Social Care Services  
| | | • Personalisation  
| | | • Adult safeguarding  
| | | • Carers  
| | | • Welfare rights  
| | | • Adult Social Care Commissioning  
| Children and Young People's Services | Cllr Claire Vasey | • Education 0-19  
| | | • Specialist and Safeguarding Children’s Services  
| | | • Youth Services, including Youth Offending Services  
| | | • Children Centres  
| | | • Health and wellbeing board member  
| Safer and Healthier Communities | Cllr Lucy Hovvels | • Community Safety  
| | | • Links with Durham Police  
| | | • Travellers liaison service  
| | | • Emergency planning  
| | | • Health and wellbeing  
| | | • Best Bar None  

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<thead>
<tr>
<th>Portfolio</th>
<th>Councillor</th>
<th>Responsibilities</th>
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| Leisure*, Libraries and lifelong learning     | Cllr Maria Plews   | • Leisure services*  
• Libraries  
• Community & Adult Education |
| Economic Regeneration                         | Cllr Neil Foster   | • Spatial Planning / LDF, including Strategic Transport & LTP  
• Development Control  
• Economic Development  
• Town Centres  
• Regeneration  
• Assets (land and property)  
• Tourism, Arts and Culture |
| Housing                                       | Cllr Clive Robson  | • Housing strategy  
• Homelessness  
• Links with Housing providers  
• Landlord function where applicable |
| Strategic Environment & Leisure*             | Cllr Bob Young     | • Environment Policy, including sustainability & climate change  
• Environment, Health and Consumer Protection  
• Local Transport Plan implementation  
• Highways  
• Waste Management |
| Neighbourhoods and local partnerships         | Cllr Brian Stephens| • Area Action Partnerships  
• Relationships with Town and Parish Councils  
• Community Development  
• Community Facilities  
• Assets (buildings)  
• Customer Services  
• Neighbourhood Streetscene |

* Leisure to transfer into new portfolio at conclusion of review into leisure centres  
+ shared responsibility

A8. Appointment of Council Bodies and Allocation of Seats to Political Groups under Section 15 of the Local Government and Housing Act 1989

The Council considered a report from the Head of Legal and Democratic Services regarding the appointment of Council Bodies and Allocation of Seats
to Political Groups under Section 15 of the Local Government and Housing Act 1989 (for report see file of Minutes).

**Moved** by Councillor Henig, **Seconded** by Councillor Laing and

**Resolved:**

(i) that the Council appoints the Committees and Sub-Committees detailed in Appendix 1 of the report in accordance with the Constitution and with the terms of reference set out therein;

(ii) determines the total allocation of seats to each political group and individual seats detailed in Appendix 1, and, subject to the necessary adjustments arising from that determination, agrees the allocation of seats on each Committee and Sub-Committee as detailed in the Appendix 2 of the report;

(iii) that the Head of Legal and Democratic Services be authorised, in consultation with the relevant Group Leader, to determine any further necessary adjustments to be made to individual Committee and Sub-Committee allocations (e.g. any further necessary adjustments to Appendix 2) in accordance with the provisions of Sections 15 and 16 of the Local Government and Housing Act 1989;

(iv) that the Head of Legal and Democratic Services be authorised to allocate seats to political groups in respect of any further sub-committee which might be established from time to time, in accordance with the provisions of Sections 15 and 16 of the 1989 Act and to make any necessary adjustments in respect of Area Action Partnership representation and Area Planning Committee membership;

(v) that the Council’s Corporate Parenting Panel, with the allocation of seats set out in the report be approved and that such seats be filled in accordance with the wishes of the relevant political group.

A9. **Appointment of Chairmen and Vice-Chairmen of Committees**

**Moved** by Councillor Laing, **Seconded** by Councillor D Marshall, and

**Resolved:**

That the following Members be appointed as Chairmen and Vice Chairmen of the Committees shown in accordance with the provisions of the Constitution:

<table>
<thead>
<tr>
<th>Non-Executive/Regulatory Committees</th>
<th>Chairman</th>
<th>Vice-Chairman</th>
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<tbody>
<tr>
<td>Appeals and Complaints Committee</td>
<td>Cllr Cordon</td>
<td>Cllr J Bell</td>
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<tr>
<td>Audit Committee</td>
<td>Cllr E Bell</td>
<td>Cllr Temple *</td>
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<tr>
<td>Chief Officer Appointments Committee</td>
<td>Cllr Henig</td>
<td>Cllr Napier</td>
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<td>Committee</td>
<td>Cllr</td>
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<td>Highways Committee</td>
<td>Bleasdale</td>
<td>J Robinson</td>
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<td>Human Resources Committee</td>
<td>Williams</td>
<td>Iveson</td>
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<tr>
<td>Statutory Licensing Committee</td>
<td>Carr</td>
<td>D Marshall Shiell</td>
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<tr>
<td>General Licensing and Registration Committee</td>
<td>Carr</td>
<td>Arthur *</td>
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<tr>
<td>General Licensing and Registration Sub-Committee’s x 3</td>
<td>Carr Carr D Marshall Shiell</td>
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<tr>
<td>County Planning Committee</td>
<td>Davidson</td>
<td>Charlton</td>
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<tr>
<td>Area Planning Committee (North Durham)</td>
<td>Johnson</td>
<td>Allen Turner</td>
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<tr>
<td>Area Planning Committee (Central and East Durham)</td>
<td>Walker</td>
<td>P Taylor</td>
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<td>Area Planning Committee (South and West)</td>
<td>Dixon</td>
<td>Tomlinson</td>
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<tr>
<td>(b) Pension Fund Committee</td>
<td>Andy Turner</td>
<td>Martin *</td>
</tr>
<tr>
<td>(c) Corporate Parenting Panel</td>
<td>Bowman</td>
<td>J Brown</td>
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<tr>
<td><strong>Overview and Scrutiny Committees</strong></td>
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<tr>
<td>Overview and Scrutiny Management Board</td>
<td>Armstrong</td>
<td>Stradling</td>
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<tr>
<td>Children and Young People’s Scrutiny Committee</td>
<td>Blakey</td>
<td>C Potts</td>
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<tr>
<td>Safer and Stronger Communities Scrutiny Committee</td>
<td>Boyes</td>
<td>Hodgson</td>
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<tr>
<td>Environment and Sustainable Communities Scrutiny Committee</td>
<td>D Myers</td>
<td>Graham</td>
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<tr>
<td>Economy and Enterprise Scrutiny Committee</td>
<td>Moran</td>
<td>Naylor</td>
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<tr>
<td>Adults, Wellbeing and Health Scrutiny Committee</td>
<td>Todd</td>
<td>Chaplow</td>
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<tr>
<td>Corporate Issues Scrutiny Committee</td>
<td>Avery</td>
<td>Murphy *</td>
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* positions held by Minority Groups
A10. Appointments to Joint and Other Bodies 2011/12

The Council considered a report from the Head of Legal and Democratic Services detailing appointments to joint and other bodies for 2011/12 (for report see file of Minutes).

It was Moved by Councillor Laing, Seconded by Councillor D Marshall and

Resolved:
That the Council:

(i) agree the allocation of seats on the joint bodies detailed in Section 1 of the Appendix;

(ii) allocate the memberships of the bodies and local authority associations detailed in Section 2 of the Appendix, for 2011/12;

(iii) authorise the Head of Legal and Democratic Services, in consultation with the appropriate Group Leader(s), to make appointments to the other outside bodies to which the Council are invited to nominate, in accordance with the following criteria:-

- Identify those organisations whose purpose is aligned to a specific Cabinet Portfolio, and nominate Members accordingly.

- Identify local outside bodies from each electoral division and allocate those to local members. If there are more seats on an outside body than local members then the political balance would be applied. For those local bodies which are strategic in nature representation by a specific Cabinet Portfolio would be appropriate.

- If a consensus on the allocation of seats to Members within the electoral division could not be reached, should the division be represented by Members from different parties and agreement could not be reached, the party with the largest proportion of seats on the Council would be allocated the seat.

- The remaining outside bodies, which are not local to a particular electoral division, for example, those with a County or Regional remit, appointments are made in accordance with the overall political proportionality of the Council.

- grant a similar delegated authority to allow any changes to be made to memberships of the main outside bodies approved by Council, which may become necessary during the course of 2011/12, in consultation with the appropriate Group Leader(s).

A11. Review of Scheme of Delegation relating to Planning Matters

The Council considered a report of the Corporate Director, Regeneration and Economic Development which proposed a number of amendments to the scheme of delegation to officers with a view to reducing the amount of non-contentious planning applications being reported to Planning Committee’s.
The report also looked to simplify the process for taking formal planning enforcement action and proposed amendments to the Constitution to clarify the responsibility for non-executive or council functions with respect to the County Planning Committee and the three Area Planning Committees.

Councillor N Foster commented that the proposed measures in the report would make the planning process faster, smoother and more efficient.

**Moved** by Councillor Foster, **Seconded** by Councillor Tomlinson and

**Resolved:**
(i) that the scheme of delegation in relation to planning applications, the signing and serving of enforcement notices is changed as outlined in the report and detailed in Appendix B of the report;

(ii) That the functions of the County Planning Committee be amended to encompass the changes outlined in the report and detailed in Appendix D of the report.

**A12. Review of the Constitution**

The Council considered a report of the Head of Legal and Democratic Services which proposed a number of revisions to the Constitution over and above those amendments to the Constitution which had been approved by Full Council over the course of the last year.

**Moved** by Councillor Henig, **Seconded** by Councillor Martin and

**Resolved:**
That the Council agree the proposed revisions to the Constitution detailed in the report and that the Head of Legal and Democratic Services be authorised to make future changes to the Constitution to reflect decisions of the Council or a Council body or to comply with legal requirements.

**A13. Comprehensive Review of the Council’s Hackney Carriage and Private Hire Licensing Policy**

The Council considered a report from the Corporate Director, Neighbourhood Services which sought adoption of a revised hackney carriage and private hire licensing policy which had been delayed due to the comprehensive nature of the review. The Corporate Director informed the Council that the words ‘and zoning after 31 August 2011’ be included at the end of the sentence on paragraph 3, line three.

The Corporate Director, Neighbourhood Services informed the Council that the original policy was adopted in April 2009 on the proviso that it would be reviewed within one year of its adoption. However, in January 2010, Members agreed to delay the comprehensive review of the policy given the substantial nature and potential impact of the consultation concerning zoning, quantity regulation and colour. An interim revision had been made to a
number of minor, technical amendments to the policy that had previously been identified as being necessary, in January 2010.

Further changes regarding the introduction of a colour requirement from 1 April 2011 and zoning after 31 August 2011, agreed at the last meeting of the Council had been incorporated within the revised draft policy.

Councillor B Young commented that the policy had been drafted in line with government recommendations and best practice adding that the review was in the best interest of public and operators satisfied vehicles regulated correctly.

Moved by Councillor B Young, Seconded by Councillor Stephens and

Resolved:
That the Council agree the suggested revisions to the current policy following consideration of the consultation responses detailed in Appendix 2 and 3 of the report and that the final version of the revised Hackney Carriage and Private Hire Licensing policy attached as Appendix 4 to the report be adopted.

A14. Sex Establishment and Sexual Entertainment Venue Licensing Policy

The Council considered a report from the Corporate Director, Neighbourhood Services which provided responses to the consultation on the draft Sex Establishment and Sexual Entertainment Venue Licensing Policy. The report also sought approval to adopt the amended policy.

Moved by Councillor B Young, Seconded by Councillor Carr and

Resolved:
That the Council agree the amendments to the policy and adopt the policy attached as Appendix 3 of the report.

A15. Dates of Council Meetings 2011/12

Resolved:
That the dates of meetings of the County Council for 2011/12 be as follows, with the exception of the budget meeting scheduled for 29 February 2012 which would need to be changed:

Wednesday 22 June
Wednesday 27 July
Wednesday 21 September
Wednesday 26 October
Wednesday 7 December
Wednesday 11 January 2012
Wednesday 29 February 2012 (Budget)
Wednesday 21 March 2012
Wednesday 16 May 2012 (Annual)